

Amendment

Applicant: Victor L. Gonzalez

Serial No.: 10/633,123

Filed: August 1, 2003

Docket No.: 10017098-3

Title: FLUID EJECTION

REMARKS

Claims 36-56 are pending. By this Amendment, claims 38, 50 and 55 are amended, and new claim 56 is added.

The March 29, 2004 Office Action rejected claims 36-39, 42-43, 46, 50-51, 53 and 55 under 35 U.S.C. § 102(b) over Tachihara (U.S. Patent No. 5,481,287). Applicant respectfully traverses this rejection.

Independent Claims 36, 42 and 53

Independent claim 36 recites (lines 3-4) at least one inner driver adapted to *independently* create a first drive bubble for ejecting a first drop of fluid. Independent claim 42 recites (lines 7-8) an inner resistor adapted to create a first drive bubble independently of the outer resistor. Independent claim 53 recites (lines 8-9) that the means for creating the first drive bubble creates the first drive bubble independently of the means for creating the second drive bubble. Tachihara fails to teach or suggest these features.

The Office Action identifies heating element 402 (e.g. Fig. 4(A) of Tachihara) as an inner resistor/driver/means, and identifies heating elements 401, 403 as an outer resistor/driver/means. However, heating element 402 of Tachihara is *not* adapted to *independently* create a first drive bubble. Additionally, heating element 402 of Tachihara is *not* adapted to create a first drive bubble *independently* of heating elements 401, 403. On the contrary, with reference to e.g. column 4, lines 52+ of Tachihara, the three different sizes of bubbles created in Tachihara are created by heating element 401 alone, by heating elements 401 and 402 together, and by all three heating elements 401, 402, 403 together, respectively. Heating element 402 is not adapted to *independently* create a drive bubble, or create a drive bubble *independently* of heating elements 401 and/or 403. Heating element 402 is always activated with heating element 401, not independently of it. More specifically, again with reference to column 4, lines 52+ and Figure 4(B), voltage level V_1 causes bubble generation in an area above heating element 401 alone. Voltage level V_2 causes bubble generation in an area above heating elements 401 and 402. Voltage level V_3 causes bubble generation over all three heating elements 401, 402 and 403. Tachihara fails to teach or suggest the *independent* drive bubble creation recited in independent claims 36, 42 and 53.

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Independent Claims 50 and 55

Independent claim 50 recites (lines 4-5) that the first drive bubble is generally centered over the first resistor. In Tachihara, on the other hand, the first drive bubble is *not* generally centered over heating element 402, but covers both heating elements 401 and 402. Accordingly, Tachihara fails to teach or suggest the features of independent claim 50. Attention also is directed to independent claim 55, lines 5-6, and dependent claim 38, line 2.

Allowable Subject Matter

Applicant acknowledges, with appreciation, the indication of allowable subject matter in claims 40-41, 44-45, 47-49, 52 and 54. By this Amendment, dependent claim 52 is rewritten in independent form as new independent claim 56. Applicant also submits that the other independent claims define patentable subject matter, for the reasons presented herein.

Conclusion

In view of the foregoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are requested. Applicant hereby authorizes the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of \$104.00 to cover fees as set forth under 37 C.F.R. §1.16(b) and (c).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment should be directed to either Dmitry Milikovsky at Telephone No. (858) 655-3251, Facsimile No. (858) 655-5859 or William M. Hienz III at Telephone No. (612) 573-2010, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:



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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of June, 2004.

By
Name: William M. Hienz III